

3 FAH-1 H-2870 SENIOR FOREIGN SERVICE PERFORMANCE PAY

(TL:POH-085 08-27-2002)

3 FAH-1 H-2871 CONFERRAL OF DEPARTMENT AWARDS

3 FAH-1 H-2871.1 Competition Groups

3 FAH-1 H-2871.1-1 Boards Senior Foreign Service (SFS)-I and II

(TL:POH-085 08-27-2002)

(State Only)

(Applies to Foreign Service Only)

The competition groups for Boards Senior Foreign Service (SFS) I and II include the following:

(1) Those members serving in Presidential appointments at any time during the most recently concluded rating period, who have made the required SFS pay and leave election, and who were in classes of career ambassador, career minister, and minister counselor;

(2) Those members not serving in Presidential appointments who were in classes of career ambassador, career minister, and minister counselor, at the end of the most recently concluded rating periods; and

(3) In years when Board SFS-I is not convened, Board SFS-II will also consider any officer who would have been considered for performance pay by that board for performance pay.

3 FAH-1 H-2871.1-2 Board Senior Foreign Service (SFS)-III

(TL:POH-077; 12-07-2001)

(State Only)

(Applies to Foreign Service Only)

The competition groups for Board SFS III include the following:

(1) Those members serving in Presidential appointments at any time during the most recently concluded rating period who have made the required SFS pay and leave election, and who were in the class of counselor; and

(2) Those members with generalist primary skill codes not serving in Presidential appointments who were in the class of counselor at the end of the most recently concluded rating period.

3 FAH-1 H-2871.1-3 Board Senior Foreign Service (SFS)-IV

(TL:POH-085 08-27-2002)

(State Only)

Applies to Foreign Service Only)

The competition groups for Board SFS-IV include the following:

(1) Those members with specialist primary skill codes serving in Presidential appointments at any time during the most recently concluded rating period, who have made the required SFS pay and leave election, who were in the class of *counselor*; and

(2) Those members with specialist primary skill codes not serving in Presidential appointments, regardless of SFS class, at the end of the most recently concluded rating period.

3 FAH-1 H-2871.2 Boards' Recommendations

(TL:POH-085 08-27-2002)

(State Only)

(Applies to Foreign Service Only)

a. The Secretary will determine before the boards meet, the number and amounts of performance awards authorized for each competition group. The awards will be distributed among the competition groups in proportion to each group's share of the total eligible SFS population. *There is an exception to this however.* Up to 10 percent of the total awards authorized may be allocated by the Secretary among the individual competition groups as a matter of discretion.

b. The boards will be advised, in advance, of the maximum number and amounts of performance awards authorized for each competition group. The boards will review the official performance folders (OPFs) of the candidates in each competition group and, on the basis of the evaluation material in their official performance files, for the most recently concluded rating period only. The boards will recommend those whom they deem deserving of performance pay awards, taking account of the number of awards authorized. The boards will rank those recommended in order of merit. The full number of awards authorized for each category will be paid in the order recommended, at the amounts authorized, unless the boards have recommended a lesser amount for the award.

3 FAH-1 H-2871.3 Directives to the Boards

3 FAH-1 H-2871.3-1 Criteria

(TL:POH-085 08-27-2002)

(State Only)

(Applies to Foreign Service Only)

a. In making recommendations, the boards shall be guided entirely by the criteria in 3 FAM 2872.3-1. In applying these *criteria*, the boards should recognize that not all SFS members under consideration will have had the opportunity to demonstrate achievement in all of the areas cited. Members should not assess performance on the basis of the number of criteria met, but rather in terms of the demonstrated contributions and accomplishments achieved. Officers with functional and specialist expertise are as essential to the SFS as those are with more generalized work experience.

b. In comparing the performance and accomplishment of its members, the boards will be called upon to make extremely difficult judgments in the following instances:

(1) Outstanding achievement may be found in the cool and courageous handling of emergency situations;

(2) In other areas, significant accomplishments may come through the resourceful completion of specific projects or negotiations; and

(3) Major benefits may result from the thoughtful and efficient management of important programs or missions or from imaginative and sensitive policy initiatives.

There is no formula by which varying records of performance may be measured and weighed with mathematical accuracy.

c. Board members must apply the relevant criteria as realistically and fairly as possible, discuss their views where meaningful differences exist, and exercise their judgment to the fullest extent of their wisdom and experience. The boards should also be alert to evidence in the file, either through evaluation reports or letters of criticism, of an officer's indifference or lateness in completing evaluation reports on subordinates. This represents failure in supervisory responsibilities, which can lead to disadvantaging the rated employee. Such failures should be given due weight by the boards in comparing that officer's performance against others for award of performance pay.

3 FAH-1 H-2871.3-2 Other Factors

(TL:POH-077; 12-07-2001)

(State Only)

(Applies to Foreign Service Only)

a. Inadmissible Comments

The boards should ignore any information in the file, which is currently inadmissible in the regulations (see 3 FAM 2815). Such information should not be subject to discussion or a basis for the boards' decisions.

b. Personal Qualities

Medical problems and personal and physical characteristics should not be considered unless they affect the performance of essential functions of the job.

3 FAH-1 H-2871.3-3 Submission of Findings and Recommendations

(TL:POH-077; 12-07-2001)

(State Only)

(Applies to Foreign Service Only)

The boards' findings will be forwarded to the Director General under cover of a transmittal letter signed by the members. The boards' reports will include rank order lists of all officers in each of the four competition groups recommended for Department performance pay awards, annotated to indicate the amounts of performance pay recommended for each officer, up to the maximum number and amount of awards authorized.

3 FAH-1 H-2872 NOMINATIONS FOR PRESIDENTIAL RANK AWARDS

3 FAH-1 H-2872.1 Department Senior Review Board (DSRB)

(TL:POH-077; 12-07-2001)

(State Only)

(Applies to Foreign Service Only)

The Foreign Service Act authorizes the Secretary to recommend to the President, on the basis of recommendations by an interagency selection board, those members who merit conferral of Presidential awards for distinguished or meritorious service. Special Presidential recognition should be limited to only the most capable, deserving and accomplished members of the Foreign Service who warrant this singular honor because of exceptional contributions, and because their integrity and worthiness of public trust are beyond question. Department nominations for this high honor will be entrusted to a Department Senior Review Board (DSRB), appointed by the Secretary to act on the Secretary's behalf. The DSRB will be composed at the discretion of the Secretary but will include at least one career SFS member in the active service and one distinguished public member.

3 FAH-1 H-2872.2 Recommendations

(TL:POH-077; 12-07-2001)

(State Only)

(Applies to Foreign Service Only)

To facilitate the role of the DSRB, the selection boards may recommend SFS members for Presidential awards. The selection boards may recommend up to 10 percent of the career SFS corps for consideration for Presidential awards. The selection boards will review the records of all eligible SFS members together, without regard to the competition group or its previous recommendations for Department awards. Applying the criteria for Presidential awards, the selection boards will recommend and list in alphabetical order six percent of the career SFS corps. The alphabetical list of officers recommended for Presidential awards will be included in the selection boards' report to the Director General and will be made available to the DSRB.

3 FAH-1 H-2872.3 Department Senior Review Board (DSRB) Procedures

(TL:POH-077; 12-07-2001)

(State Only)

(Applies to Foreign Service Only)

The DSRB will be informed in advance of the number of members it may nominate for the Presidential Distinguished and Meritorious Service Awards. It will be guided by the applicable criteria (see 3 FAM 2872.3-2) and the number of awards authorized and will nominate members from the list of those recommended by the selection boards. The DSRB will decide the appropriate award level and the rank order of those nominated. The Board will prepare a statement of justification for each officer nominated of no more than two pages in length.

3 FAH-1 H-2872.4 Report of Nominations

(TL:POH-085 08-27-2002)

(State Only)

(Applies to Foreign Service Only)

The DSRB will submit its report of Presidential award nominations accompanied by the statements of justification to the Secretary. The nominees for Presidential awards will be submitted to the Interagency Selection Board (IASB) for consideration in accordance with agreed interagency procedures as specified in 3 FAH-1 H-2876.

3 FAH-1 H-2873 SAFEGUARD ARRANGEMENTS

(TL:POH-077; 12-07-2001)

(State Only)

(Applies to Foreign Service Only)

Before the selection boards meet, the Department shall inform the appropriate officials of the exclusive employee representative on a confidential basis of the maximum number of performance pay awards and Presidential award nominations authorized in each award category for each competition group. The employee representative will safeguard the confidentiality of this information until after the results of the performance pay process have been made public by the Department. Any revisions in the numbers or amounts of awards subsequently made by management will be disclosed and explained to the employee representative.

3 FAH-1 H-2874 REMOVAL OF NAME RECOMMENDED FOR PERFORMANCE PAY

(TL:POH-085 08-27-2002)

(State Only)

(Applies to Foreign Service Only)

The Director General may remove a name from the list of officers recommended for performance pay awards under the same circumstances and requirements as apply to *the* removal of names from promotion lists as set forth in 3 FAM 2320.

3 FAH-1 H-2875 PAYMENT OF PERFORMANCE PAY

(TL:POH-077; 12-07-2001)

(State Only)

(Applies to Foreign Services Only)

a. A member of the SFS may be nominated both for a Department performance pay award and a Presidential award. Department awards will be paid to the members nominated by the selection boards in accordance with the boards' annual rank order at the amounts and in the numbers authorized by management and designated by the selection boards. Payment will be made as soon as practicable without regard to possible subsequent conferral of Presidential awards.

b. Presidential awards will be paid to all recipients named by the President in the amounts indicated as soon as feasible, subject to the applicable legal limitations.

3 FAH-1 H-2876 INTERAGENCY PROCESS FOR PRESIDENTIAL AWARDS

(TL:POH-085 08-27-2002)

(Uniformed State/Agriculture/BBG/Commerce/USAID)

(Applies to Foreign Service Only)

a. A special Interagency Selection Board (IASB) established by the Secretary of State as provided in 3 FAH-1 H-2876.2 shall review and evaluate the nominations from the agencies and make recommendations to the Secretary of State. Such recommendations shall be made from among members of the SFS who are nominated by their agencies as having performed especially meritorious or distinguished service.

b. Not later than March 1 of each year, each agency shall submit its nominations to the IASB, Attention: Director of Performance Evaluation, HR/PE, Department of State. The number of nominations which each agency may submit shall be in accordance with 3 FAH-1 H-2872.2.

c. *Agency nominations will be submitted under the signature of the agency head who will certify:*

(1) All nominations have been made in accordance with procedures negotiated with the exclusive bargaining representative, if any;

(2) All candidates meet the eligibility requirements; and

(3) The record and character of each nominee merit a high degree of public confidence and trust and warrant recognition by the President should the nominee be selected for an award.

d. Nominations shall indicate the award for which the officer is recommended. If an agency recommends more than one officer for an award, the agency's nominees will be listed in accordance with procedures negotiated with the exclusive bargaining representative, if any. Nominations shall consist of a justification statement of not more than two pages in length, consistent with the criteria described in 3 FAM 2872.3-2. A brief summary of the officer's Federal employment history, provided by the appropriate agency, shall also be appended.

e. A member of the SFS is eligible to receive only one Presidential award within a three-year period.

f. The IASB will base its recommendations solely on the justification statements and summaries of Federal employment history submitted.

g. In reviewing the achievements of these criteria, the IASB will also satisfy itself, based on the justification statement, that the nominee has consistently demonstrated qualities of integrity and creativity that warrant a high degree of public confidence and trust.

3 FAH-1 H-2876.1 Responsibilities of the Interagency Selection Board (IASB)

(TL:POH-085 08-27-2002)

(Uniformed State/Agriculture/BBG/Commerce/USAID)

(Applies to Foreign Service Only)

a. The IASB has the following responsibilities:

(1) To evaluate the agencies' nominations and determine whether they meet the appropriate agency regulatory provisions. The IASB may concur with an agency nomination, may decide to recommend for a Meritorious Service Award a candidate who has been nominated for the Distinguished Service Award, or may determine that a nomination does not merit recommendation to the President; and

(2) In accordance with 3 FAH-1 H-2876.4 and subject to the agreement of the agency to free its unused opportunities, the IASB may determine that unused opportunities for Presidential awards should be utilized by nominees from any of the participating agencies. Unused opportunities can occur when an agency chooses not to utilize its full pro rata share of the awards or when the IASB determines that fewer than an agency's pro rata share of the nominees *merit* a Presidential award. In making this determination, the IASB will also consider the agency's nominations contained in its supplemental list, as provided for in 3 FAH-1 H-2876.4. That list will be given to the Board only after it has considered the agency's principal list (limited to its pro rata share) and decided that one or more nominees do not merit a Presidential *award*.

b. The IASB will consider persons nominated to it on supplementary rank order lists as candidates for any unused opportunities for awards. These nominees will be evaluated by the IASB on the basis of the criteria specified in 3 FAM 2872.3 and will be considered on a senior Foreign Service-wide basis based on the relative merits of the nominees without reference to the pro-rated distribution of awards specified in 3 FAH-1 H-2876.4:

(1) To make recommendations to the Secretary of State for each category of award ranked in recommended order of merit; and

(2) To make recommendations to the Secretary of State regarding the award procedure and the functions of the IASB. The Secretary shall provide the exclusive bargaining representative of the participating agencies, if any, copies of such recommendations.

3 FAH-1 H-2876.2 Composition of the Interagency Selection Board (IASB)

(TL:POH-085; 08-27-2002)

(Uniformed State/Agriculture/BBG/Commerce/USAID)

(Applies to Foreign Service Only)

a. The IASB shall be composed of seven members, at least four of whom shall be career SFS members (one may be retired), and one of whom may be a public member. No member may serve on two consecutive Boards. In their designation of agency representatives and recommendations for public members, agency heads will bear in mind the requirement of section 602(b) of the *Foreign Service Act* concerning selection board membership of women and minorities. No individual nominated to receive an award may serve on the Board. The public members of the IASB will be named by the Secretary of State from the nominees of the agency heads. The chairperson of the IASB, selected by the Under Secretary for Management, will be a career SFS officer on active duty, and the position will rotate among the *Departments of Agriculture, USAID, Commerce, and State.*

b. As soon as practicable but not less than 10 days prior to the convening of the IASB, each participating agency will transmit to its exclusive bargaining representative, if any, a list of the agency's nominees (agency-specific and public) for membership on the IASB. This information will be held in confidence. The exclusive bargaining representative will furnish the agency any comments it might have concerning the nominees. These comments will be held in confidence.

3 FAH-1 H-2876.3 Recommendations by the Secretary

(TL:POH-077; 12-07-2001)

(Uniformed State/Agriculture/BBG/Commerce/USAID)

(Applies to Foreign Service Only)

a. The Secretary of State must be satisfied that each nominee recommended for a Presidential award by the IASB has consistently maintained a record of performance warranting a high degree of public confidence and trust. Should the Secretary determine that an IASB nominee does not warrant recommendation to the President, the Director of the Office of Performance Evaluation of the Department of State shall notify each of the exclusive bargaining representatives (if any) of all of the participating agencies of the number of such deletions (without specifying the names deleted or the agency which nominated the member) and shall certify that the deletions were made only for reasons of loyalty, security, misconduct, suitability, or malfeasance.

b. The Secretary of State shall recommend to the President those officers nominated by the IASB for Presidential awards whom the Secretary has determined satisfy the requirements of 3 FAH-1 H-2876.3, paragraph a.

3 FAH-1 H-2876.4 Presidential Awards Limits

(TL:POH-085 08-27-2002)

(Uniformed State/Agriculture/BBG/Commerce/USAID)

(Applies to Foreign Service Only)

a. The total number of SFS members, based on the percentage limits of 3 FAH-1 H-2876.4 paragraph b, shall be determined by adding together the number of SFS members in each agency who were serving in the appointment categories specified in 3 FAM 2872.2-1 as of the last day of the competition year, which is the last day of the appraisal period for that agency.

b. Except as noted in 3 FAH-1 H-2876.4, paragraph c, the number of Presidential awards granted to the members of the SFS, in any agency, may not exceed six percent of the total number of SFS members serving in the appointment categories specified in 3 FAM 2872.2-1 who were serving in such appointments as of the last day of the annual performance appraisal period of that agency. The number of Distinguished Service Awards granted to the SFS members of an agency may not exceed one percent of that total. However, where the number of SFS members in an agency's total is too few to permit at least one Distinguished and one Meritorious Service Award within the percentage limits established, the SFS members of that agency may be granted one Distinguished Service Award and one Meritorious Service Award. Agencies may forward to the IASB up to the maximum number of nominees permitted by this paragraph, except as authorized in 3 FAH-1 H-2876.4, paragraph c.

c. Notwithstanding the limits of 3 FAH-1 H-2876.4, paragraph b, an agency may exceed its pro rata share of Presidential Awards if the IASB selects the nominee(s) from that agency's supplemental rank order lists to utilize unused award opportunities. Each agency may nominate an additional 10 percent of its pro rata share of candidates to constitute its supplemental list. Such nominations will be for the Meritorious Service Award. In no case will an agency's supplemental list be limited to less than two nominees.

d. The total amount of basic salary plus performance pay (including a Presidential Award) received in any *calendar* year by a member of the SFS may not exceed the salary payable in Level 1 of the Executive Schedule under 5 U.S.C. 5312 in effect at the end of the *calendar* year. *Any amount which is not paid to an employee in a calendar year because of this statutory limitation shall be paid in a lump sum to the employee at the beginning of the following calendar year, in accordance with 5 U.S.C. 5307.*

3 FAH-1 H-2876.5 Payment of Presidential Awards

(TL:POH-077; 12-07-2001)

(Uniformed State/Agriculture/BBG/Commerce/USAID)

(Applies to Foreign Service Only)

a. Presidential awards shall be paid in lump sum and shall be in addition to basic salary and any other award. The fact that a member of the SFS would, as a result of payment of the award, receive compensation exceeding the compensation of any other member of the Service shall not preclude the award or its payment.

b. Each agency shall pay the amounts due to recipients of Presidential awards in its employ. Awards shall be announced as soon as possible, and payment shall be made as soon thereafter as practicable.

3 FAH-1 H-2876.6 Interagency Review

(TL:POH-077; 12-07-2001)

(Uniformed State/Agriculture/BBG/Commerce/USAID)

(Applies to Foreign Service Only)

Annually, following the completion of the performance pay and IASB awards cycle, representatives of each of the foreign affairs agencies will review the operation of the Presidential awards program to assure that the objectives of the Act and governing regulations have been fully and efficiently achieved.